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OFFICE OF PETITIONS

In re Application of :
OR, et al. :
Application No. 10/751,718 :
Filed: January 5, 2004 :
Attorney Docket No. MCHK/149/US :
:

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 12, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, July 17, 2006, which set a shortened statutory period for reply of (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 18, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$750; and (3) an adequate statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See *In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$510 extension of time fee submitted with the petition on April 12, 2007 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to the petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

The application file is being referred to Technology Center Art Unit 2834.

Sherry D. Brinkley
Sherry D. Brinkley
Petitions Examiner
Office of Petitions